

# Exhibit S

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January 10, 2025

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**VIA E-MAIL**

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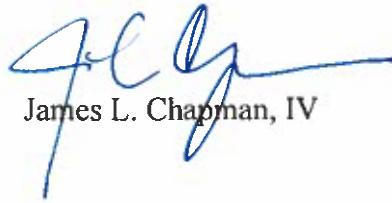
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Re: COEYMAN'S MARINE TOWING, LLC D/B/A CARVER MARINE TOWING as Owner and Operator of M/T Mackenzie Rose, (IMO No. 8968765) her cargo, engines, boilers, tackle, equipment, apparel, and appurtenances, etc., *in rem*, ("M/T MACKENZIE ROSE"), petitioning for Exoneration from or Limitation of Liability in allision with Norfolk and Portsmouth Belt Line Railroad Company Main Line Railroad Bridge (the "Bridge") occurring June 15, 2024 in and about the Elizabeth River, Virginia.  
United States District Court, Eastern District of Virginia, Case No. 2:24-cv-00490

Dear Counsel:

Enclosed please find Norfolk and Portsmouth Belt Line Railroad Company's First Request for Production of Documents to Coeymans Marine Towing, LLC d/b/a Carver Marine Towing.

Sincerely yours,



James L. Chapman, IV

JLC/bd  
Enclosures

cc: Mark C. Nanavanti, Esquire  
Zachary M. Jett, Esquire  
W. Ryan Snow, Esquire

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA**

**Norfolk Division**

**In Admiralty**

In the Matter of COEYMAN'S MARINE  
TOWING, LLC D/B/A CARVER MARINE  
TOWING as Owner and Operator of M/T  
Mackenzie Rose, (IMO No. 8968765) her cargo,  
engines, boilers, tackle, equipment, apparel, and  
appurtenances, etc., *in rem*, ("M/T MACKENZIE  
ROSE"), petitioning for Exoneration from or  
Limitation of Liability in allision with Norfolk and  
Portsmouth Belt Line Railroad Company Main  
Line Railroad Bridge (the "Bridge") occurring June  
15, 2024 in and about the Elizabeth River, Virginia.

**Civil Action No: 2:24-cv-00490**

**NORFOLK AND PORTSMOUTH BELT LINE RAILROAD COMPANY'S FIRST  
REQUEST FOR PRODUCTION OF DOCUMENTS AND THINGS TO  
COEYMAN'S MARINE TOWING, LLC D/B/A CARVER MARINE TOWING**

Claimant/Respondent Norfolk and Portsmouth Belt Line Railroad Company (the "Belt  
Line"), by counsel, pursuant to Fed. R. Civ. P. Rules 26 & 34, and EDVA Local Rule 26, and  
propounds the following Request for Production of Documents and Things to Defendant/Petitioner  
Coeymans Marine Towing, LLC d/b/a Carver Marine Towing, Inc., to be answered under oath  
within thirty (30) days. Any documents or things produced in response to this request should be  
produced for inspection and copying at the offices of Crenshaw, Ware & Martin, P.L.C., 150 W.  
Main Street, Suite 1923, Norfolk, Virginia 23510.

**DEFINITIONS**

As used herein, unless the context clearly requires otherwise, the following words have the  
following meanings:

1. **Belt Line** means the Norfolk and Portsmouth Belt Line Railroad Company, Claimant and  
Respondent herein.

2. **The Belt Line's Railroad Bridge** means the Norfolk and Portsmouth Belt Line Railroad Company's Main Line Railroad Bridge which crosses the Southern Branch of the Elizabeth River between the cities of Chesapeake and Portsmouth, Virginia.
3. **Document** means anything containing, transmitting, or preserving information of whatever kind or character, whether verbal, pictorial, numeric, or otherwise; and including, without limitation, drafts, letters, reports, photographs, films, videotape, books, messages, email, text messages (SMS, MMS, RCS, etc.), notes, recordings, electronically stored information (including digital data that have been deleted but can be recovered), optical disks, computer drives, SD cards, sketches, diagrams, etc.
4. **Incident** means the allision with the **Belt Line's Railroad Bridge** of the M/T MACKENZIE ROSE and attached barge WEEKS 281 during their transit of the Elizabeth River on June 15, 2024.
5. **Vessel** means the M/T MACKENZIE ROSE.
6. **Barge** means the barge WEEKS 281.
7. **You, your, yours, and the like** mean and refer to Defendant/Petitioner Coeymans Marine Towing, LLC d/b/a Carver Marine Towing, Inc., its management, employees, agents, and counsel, and the person answering these Interrogatories.

**REQUEST FOR PRODUCTION**

1. Produce any and all **documents** listing the officers or crew members assigned to the **Vessel** on or before June 15, 2024.

**RESPONSE:**

2. Produce the personnel file of each and every officer and crew member assigned to or present aboard the **Vessel or Barge** on June 15, 2024, including, as to each, his or her last known home address and his or her last W-2 form.

**RESPONSE:**

3. Produce each and every **document** that indicates or contains the last known address of James Morrissey.

**RESPONSE:**

4. Produce each and every **document** that portrays, describes, or purports to portray or describe, the course, position, and speed of the **Vessel** at any time from June 10 through June 20, 2024.

**RESPONSE:**

5. Produce the towing plan, if any, in effect for the **Vessel** at the time of the **Incident**.

**RESPONSE:**

6. Produce any and all data records or transcripts from the **Vessel** on June 15, 2024, for any and all voice recorders whether in electronic, paper, or other form.

**RESPONSE:**

7. Produce any and all data records or transcripts from the **Vessel** on June 15, 2024, for any and all chart-plotters, whether in electronic, paper, or other form.

**RESPONSE:**

8. Produce any and all data records or transcripts from the **Vessel** on June 15, 2024, for any and all voyage data recorders, whether in electronic, paper, or other form.

**RESPONSE:**

9. Produce any and all data records or transcripts from the **Vessel** on June 15, 2024, for any and all video recorders, whether in electronic, paper, or other form.

**RESPONSE:**

10. Produce any and all data records or transcripts from the **Vessel** on June 15, 2024, for any and all radars, whether in electronic, paper, or other form.

**RESPONSE:**

11. Produce any and all data records or transcripts from the **Vessel** on June 15, 2024, for any and all Automatic Identification Systems ("AIS"), whether in electronic, paper, or other form.

**RESPONSE:**

12. Produce any and all data records or transcripts from the **Vessel** on June 15, 2024, for any and all Automatic Radar Plotting Aid ("ARP A") devices, whether in electronic, paper, or other form.

**RESPONSE:**

13. Produce each and every **document** containing any video or data depicting or reflecting the display of any radar, AIS, or ARP A aboard the **Vessel** during its transit of the Elizabeth River on the day of the **Incident**.

**RESPONSE:**

14. Produce each and every document containing any photograph, video, or audio recording of any communications or activities on the **Barge** on June 15, 2024, including any video or photograph showing the Barge making contact with, or in the vicinity of, the Belt Line's Railroad Bridge..

**RESPONSE:**

15. Produce each and every document containing any photograph, video, or audio recording of any communications or activities on the bridge (or wheelhouse), decks, or line handling stations of the **Vessel** on June 15, 2024, including any video or photograph showing the **Vessel** making contact with, or in the vicinity of, the **Belt Line's Railroad Bridge**.

**RESPONSE:**

16. Produce each and every (rough, smooth, official, or unofficial): deck log, wheel house bell book, bearing book, gyrocompass log, engine room log, engine bell log, and depth recorder trace for the **Vessel** during the period of January 1, 2024 through September 15, 2024.

**RESPONSE:**

17. Produce any and all reports, log entries, or other records memorializing the displacement, drafts, trim, or list of the **Vessel** or the **Barge** for the period of June 10 through June 20, 2024.

**RESPONSE:**

18. Produce any and all documents that describe or indicate how the **Barge** was made up to the **Vessel** at the time of the **Incident**.

**RESPONSE:**

19. Produce the **Vessel**'s power graphs pertaining or relating to engine speed and operation applicable on the day of the **Incident**.

**RESPONSE:**

20. Produce the **Vessel**'s radar logs for the period of June 10 - 20, 2024.

**RESPONSE:**

21. Produce the **Vessel**'s VHF log and any other radio logs for the period of June 10 - 20, 2024.

**RESPONSE:**

22. Produce the **Vessel**'s telex and facsimile logs for the period of June 10 - 20, 2024.

**RESPONSE:**

23. Produce any and all records from the **Vessel's INMARSAT** and any other satellite communications system for the period 0001 hours to 2400 hours on the day of the **Incident**.

**RESPONSE:**

24. Produce any and all **documents**, including, but not limited to, contracts, invoices, and indemnity agreements, pertaining to the provision of pilotage, including federal, state, and docking or tug pilots, to the **Vessel** on June 15, 2024.

**RESPONSE**

25. Produce any and all **documents** pertaining or relating to or referencing the relevant tides or currents during the course of the **Vessel's** transit of the Southern Branch of the Elizabeth River on June 15, 2024.

**RESPONSE:**

26. To the extent not produced in response to previous requests, produce any and all voyage records for the **Vessel or Barge** pertaining to June 15, 2024, including without limitation, all official logs, rough and smooth deck and engine room logs, bell books, navigation charts, navigation work books, compass deviation cards, gyro records, stowage plans, records of draft, aids to mariners, night order books, radiograms sent and received, radio logs, crew and passenger lists, and articles of shipment. This request specifically relates to information and records required to be retained on behalf of the vessel pursuant to the requirements of 46 C.F.R. § 4.05-15.

**RESPONSE:**

27. Produce any and all photos or videos relating or pertaining to the **Incident**, or the aftermath thereof, taken at any time by anyone, including, but not limited to, photographs and videos of damage to the **Vessel**, the **Barge**, or the **Belt Line's Railroad Bridge**.

**RESPONSE:**

28. Produce any and all photos or videos relating or pertaining to the **Belt Line's Railroad Bridge** or its fendering system taken at any time by anyone.

**RESPONSE:**

29. Produce any and all **documents** obtained from any government entity, including but not limited to the United States Coast Guard, pertaining to the **Incident**, whether pursuant to any request under the Freedom of Information Act or otherwise.

**RESPONSE:**

30. Produce any and all **documents** and records memorializing or evidencing steps taken by anyone to report the **Incident** under 46 CFR 4.05-1.

**RESPONSE:**

31. Produce any and all **documents** you have provided to any government entity, including but not limited to the United States Coast Guard, pertaining to the **Incident**.

**RESPONSE:**

32. Produce any and all documents pertaining to management and operation of the **Vessel or Barge**, including, but not limited to, charters, subcharters, and management and/or operating agreements pertaining to any period inclusive of June 15, 2024.

**RESPONSE:**

33. Produce any and all documents relating to surveys, appraisals, valuations, or refinancing of the M/T MACKENZIE ROSE during the period from January 1, 2019 through December 31, 2024.

**RESPONSE:**

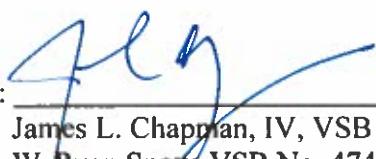
34. Produce any and all documents and records not already produced, reflecting or memorializing communications pertaining to the Incident to or from you, the Vessel's officers or crewmembers, or any government entity, including but not limited to the United States Coast Guard, **on or after June 15, 2024** .

**RESPONSE:**

Dated: January 10, 2025

NORFOLK AND PORTSMOUTH BELT  
LINE RAILROAD COMPANY

By:

  
James L. Chapman, IV, VSB No. 21983  
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Attorneys for Norfolk and Portsmouth Belt  
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### CERTIFICATE OF SERVICE

I hereby certify that on this 10<sup>th</sup> day of January 2025, I served the foregoing by electronic mail on the following:

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